

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JOSE LUIS BENAVIDES, SR.,)	Case No. 2:23-cv-05744-SVW (DTB)
)	
Plaintiff,)	ORDER TO SHOW CAUSE
)	REGARDING FAILURE TO
v.)	UPDATE ADDRESS
)	
DEPUTY SAUCER, et al,)	
)	
Defendants.)	

On July 7, 2023, Plaintiff Jose Luis Benavides, Sr. (“Plaintiff”), a California state prisoner proceeding pro se, filed a Civil Rights Complaint under 42 U.S.C. § 1983 (“Complaint”). (Docket No. 1). The Complaint alleges that during the period of February to March 2023, Defendants Deputy Saucer, Deputy Martinez-Navarro, Deputy Mitchell (“Defendants”) and “Other Deputies, LT” at Cois Byrd Detention Center in Riverside, California, failed to protect him from being assaulted by six other inmates in violation of the Eighth Amendment. (Complaint at 1-2; see Docket No. 29 at 1 [alleging the assault occurred on March 6, 2023]). On August 24, 2023, Plaintiff filed a Request to Proceed in Forma Pauperis (Docket No. 7) which was granted on November 8, 2023 (Docket No. 8). The matter was transferred to this

1 Court's calendar on November 22, 2023. (Docket No. 9). On December 27, 2023,
2 the Court issued an Order Directing Service of the Complaint. (Docket Nos. 14-16).
3 On January 26, 2024, Defendants appeared and filed an Answer (Docket No. 18)
4 and the Court issued an Order Regarding Further Proceedings (Docket No. 20).

5 On May 23, 2024, Defendants filed a Motion for Judgment on the Pleadings
6 ("Motion") on the basis that Plaintiff had failed to exhaust his administrative
7 remedies as required by the Prison Litigation Reform Act ("PLRA"). (Docket No.
8 23). On August 22, 2024 (after one extension of time, see Docket No. 27 at 3),
9 Plaintiff filed an Opposition to the Motion ("Opposition"). (Docket No. 29).¹
10 Defendants filed a Reply on September 3, 2024. (Docket No. 31). On December 6,
11 2024, the Court issued its Report and Recommendation ("R&R") wherein it
12 recommended granting Defendants' Motion and dismissing this action without
13 prejudice. (Docket Nos. 33-34). On December 20, 2024, the R&R was returned
14 from the institution marked as "Return to Sender Not Located at VSP." (Docket No.
15 35).

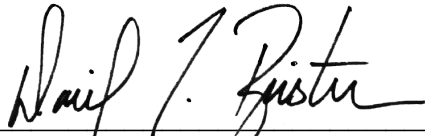
16 Pro se litigants are required to keep the Court and opposing parties apprised
17 of their current address. Central District of California Local Rule 41-6. Therefore,
18 Plaintiff is ordered to show cause why this action should not be dismissed for lack
19 of prosecution and failing to comply with the Court's Local Rules. Plaintiff may
20 alternatively file a Notice of Change of Address to discharge this Order to Show
21 Cause. Plaintiff's response is due no later than **January 24, 2025**.

22
23 ¹ Prior to the filing the Opposition, Plaintiff filed (1) an application for an extension of time
24 to file an amended complaint, to answer discovery request, for leave to amend the Complaint, and
25 for leave to name John Doe ("Application"), and (2) a request for an order for Defendants to
26 produce electronically filed jail records ("Request"). (Docket Nos. 25-26). On July 1, 2024, the
27 Court denied the Application, including a request for appointment of counsel, and the Request.
28 (Docket No. 27).

On the Opposition, Plaintiff filed a request for an extension of time to obtain legal help.
(Docket No. 29 at 1-2). On September 5, 2024, the Court, construing the filing as a request for the
appointment of counsel to represent Plaintiff without compensation, denied it. (Docket No. 32).

1 **Plaintiff is hereby cautioned that failing to comply with this Order will**
2 **result in the recommendation that this action be dismissed for failure to**
3 **prosecute and failure to comply with the Court's Local Rules.**

4
5 Dated: January 2, 2025



DAVID T. BRISTOW
United States Magistrate Judge